

STAFFORD COUNTY SCHOOL BOARD

Agenda Consideration

TOPIC:	Proposed Amendment to Policy 7-19: Student Suspensions and Expulsions	ITEM NO:	10E
PREPARED BY:	Jean S. Murray, Superintendent	MEETING:	May 23, 2006
	Daryl A. Nelson, Executive Director of Administrative & Legal Services	ACTION DATE:	June 20, 2006

ACTION REQUESTED BY THE SUPERINTENDENT:

That the School Board receive for information and consideration the attached proposed amendments to Policy 7-19, Student Suspensions and Expulsions.

KEY POINTS:

The proposed amendment to Policy 7-19, Student Suspensions and Expulsions, adds language in Section A. 6 that precludes a student returning to school on appeal of a short term suspension when the student presents a likelihood of ongoing disruption to the school. Further added language requires that a parent/guardian who chooses to appeal schedule the appeal hearing with the superintendent/designee within 15 school days of submitting the appeal. Failure to move forward in the appeal process results in forfeiture of the appeal right and imposition of the short term suspension initially determined by the principal.

SCHOOL BOARD GOAL: (Goal 7) Provide school environments where teachers are safe to teach and students are safe to learn.

FUNDING SOURCE: N/A

AUTHORIZATION REFERENCE: Bylaw 1-32, Policy Adoption, Amendment and Suspension

STUDENTS

Student Suspensions and Expulsions

A. Suspensions of Ten Days or Less

1. For each separate offense students may be suspended from school and/or the bus for up to and including ten (10) consecutive school days by the school principal, assistant principal, or the teacher designated as acting principal. Additionally, the principal, assistant principal, and teacher acting as principal may recommend that the student be expelled or suspended for a period greater than ten (10) school days.

2. Prior to imposing the suspension, the principal, assistant principal, or teacher designated as acting principal must inform the student of the charges against him/her. If the student denies the charges, he/she must be given an explanation of the facts as known to school personnel and an opportunity to present his/her version of the facts. If he/she deems it necessary, the principal, assistant principal, or teacher designated as acting principal may conduct a further investigation into the matter.

3. Upon request the student and his/her parent(s) or guardian(s) shall be provided with a copy of the Code of Student Conduct or the applicable provision thereof.

4. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be removed from school immediately. The notice of charges, explanation of facts and opportunity to present his/her version of what occurred shall be provided as soon as practicable thereafter.

5. Upon suspension from school of any student, the principal, assistant principal or teacher designated as acting principal shall state the basis of the suspension in writing to the superintendent and to the student's parent(s) or guardian(s) within two (2) working days.

6. Upon written request, of the parent, guardian or adult student, the superintendent, or his designee, shall in a hearing review forthwith the action taken and confirm, disapprove, and/or modify such actions based on an examination of the record of the student's behavior and such other evidence as may be appropriate as determined by the superintendent, or his designee. Such written request must be filed with the superintendent, his designee, or the school principal within three (3) school days of the notice of suspension being given to the student or the right to a review by the superintendent, or his designee, shall be waived. Pending appeal to the superintendent, or his designee, the student may continue to attend school unless the student shall be found by the principal to be a continuing danger to self, other students, staff, and/or property, or to present an ongoing threat of disruption

within the school. Failure of the parent, guardian, or adult student to make themselves available for a hearing within fifteen school days of submission of the appeal shall result in a waiver of the right to appeal and the suspension given the student at the school level shall be imposed.

7. The decision of the superintendent, or that of his designee, to suspend a student for up to and including five (5) consecutive school days is final and is not subject to appeal.

8. The superintendent's decision, or that of his designee to suspend a student for six (6) consecutive school days up to and including ten (10) consecutive days, may be appealed to the School Board. Such appeal must be in writing and must be filed with the superintendent, or his designee, within five (5) school days of receiving the written decision of the superintendent, or his designee. Failure to file a written appeal within the specified time shall constitute a waiver of the right to appeal. The School Board, or a committee thereof, will consider the appeal upon the record of the suspension, and such other evidence as it may determine to be appropriate at its next regularly scheduled meeting, or if determined appropriate by the chairman for reasons of scheduling at a special meeting of the board. Pending appeal to the board the student may continue to attend school, unless the student shall have been found by the principal, which finding is confirmed by the superintendent, or his designee, to be a continuing danger to self, other students, staff, and/or property, or to present an ongoing threat of disruption within the school.

9. Written notice to the parent/guardian shall be included in the initial letter of student suspension and in any subsequent letter of student suspension arising out of the appeal of such matter, that indicates the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs, other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension.

B. Suspensions in Excess of Ten Days

1. The School Board, the superintendent, or the Superintendent's designee(s) may suspend students from school and/or the bus in excess of ten (10) consecutive school days after the students and his/her parent(s) or guardian(s) have been provided written notice of the proposed action and the reason therefore and of the right to a hearing. The Superintendent or designee are authorized to suspend a student for a period of up to and including 180 school days. The superintendent shall promulgate regulations to carry out this policy.

2. In any case in which a student has been suspended by the superintendent, or his designee(s), in excess of ten (10) consecutive school days, the adult student or a student's parent(s) or guardian(s) may appeal the decision to the School Board. Such appeal must be in writing and must be filed with the superintendent, or his designee, within seven (7) calendar days of receiving the written suspension decision. Failure to file a written appeal within the specified time shall constitute a waiver of the right to appeal. The School Board will consider the

appeal upon the record of the suspension hearing, and such other evidence as it may determine to be appropriate, within thirty (30) calendar days of the appeal being received by the superintendent or his designee. Pending appeal the student may continue to attend school unless the student shall have been found by the principal, which finding is confirmed by the superintendent or his designee, to be a continuing danger to self, other students, staff and/or property, or to present an ongoing threat of disruption within the school.

The Chairman of the School Board may elect, in his/her discretion, to appoint a committee of the Board composed of at least three members to hear disciplinary matters calling for the suspension of a student for six (6) consecutive school days or more which come to the board on appeal. A unanimous decision of the committee of the board shall be a final decision and is not subject to further appeal. The adult student, or a student's parent(s), or guardian(s), may appeal the committee's decision to the full board if the decision is not unanimous. Such appeal shall be decided by the board within thirty days. The appeal must be in writing and must be filed with the superintendent, or his designee, within five (5) calendar days of receiving written notice of the committee's decision. Failure to file a written appeal within the specified time shall constitute a waiver of the right to appeal.

3. Written notice to the parent/guardian shall be included in the letter of student suspension for greater than ten days that indicates the length of the suspension, and provides information regarding the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension.

C. Expulsions

Only the board or a committee thereof exercises the authority to expel a student. An expulsion shall result in removal of the student from the regular school program for one calendar year or greater except as may otherwise be determined by the board or a committee thereof.

1. The principal may recommend to the superintendent, or his designee, that a student be expelled. The principal shall notify the student and his/her parent(s), or guardian(s) in writing of the proposed recommendation and include the following:

- a. The reasons for the recommendation of expulsion;
- b. The right of the adult student or a student's parent(s) or guardian(s) to a hearing before the superintendent, or designee(s), who will make a decision whether or not to forward the recommendation for expulsion to the members of the School Board or to impose a lesser sanction.

- c. The right to inspect during regular school hours the student's school records.

2. If the principal's recommendation of expulsion is upheld by the superintendent, or his designee, a hearing shall be conducted by the School Board or a committee thereof. Determination as to whether a committee of the board shall consider the matter shall be within the discretion of the Chairman. The superintendent, or his designee, will provide the adult student or the student's parent(s) or guardian(s) written notice concerning the date, time and location of the hearing before the School Board or its committee.

3. In the case of expulsion hearings conducted by committee, the committee shall be composed of at least three board members. A unanimous decision of the committee of the board shall be a final decision and is not subject to appeal. The adult student, or a student's parent(s), or guardian(s) may appeal the committee's decision to the full board if the decision is not unanimous. Such appeal shall be decided by the board within thirty days. The appeal must be in writing and must be filed with the superintendent, or his designee, within five (5) calendar days of receiving written notice of the committee's decision. Failure to file a written appeal within the specified time shall constitute a waiver of the right to appeal.

4. Written notice shall be given to the parent/guardian of an expulsion and shall include notification of the length of the expulsion and the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such re-admission. If the board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent/guardian of such student that the student may petition the school board for readmission to be effective one calendar year from the date of the expulsion, and of the conditions, if any, under which re-admission may be granted.

5. Upon written request of the parent/guardian of an expelled student, and after one calendar year from the date of the incident giving rise to the expulsion, the board or committee thereof shall review upon the record the expulsion status of the student and confirm, disapprove, or modify the expulsion as it determines to be appropriate. If the committee denies such request the parent/guardian may petition the board for review of such denial.

D. Hearing Procedure

The procedure for a hearing conducted by the full board, or a committee thereof, which hearing concerns expulsion, or appeal of a decision to suspend a student for six (6) or more consecutive school days, shall be as follows:

- a. The School Board shall determine the propriety of attendance

at the hearing of persons not having a direct interest in the hearing. The hearing shall be in executive session unless otherwise determined by the School Board.

b. The School Board may ask for opening statements from the superintendent, his designee, or representative, and the adult student or the student's parent(s) or guardian(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.

c. The parties shall then present their evidence. Because the superintendent or his designee has the ultimate burden of proof, he/she shall present his/her evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination of witnesses giving testimony at the hearing.

d. A party shall produce such additional evidence as it deems necessary and/or appropriate. The School Board shall be the judge of the relevancy and materiality of the evidence and shall attach such weight to the evidence as it determines is appropriate.

e. Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made part of the record.

f. The School Board may, by majority vote, uphold, reject or modify the recommendation and/or decision of the superintendent, or his designee.

g. The School Board shall communicate its decision, to the student, his/her parent(s) or guardian(s), and to the superintendent, or his designee.

E. Suspension for More than Ten School Days or Expulsion of a Disabled Student Receiving Special Education Services

When a disabled student receiving special education services is considered for suspension of more than ten school days or for expulsion, the principal shall immediately refer the case to the Director of Special Programs. The principal shall proceed with the principal's regular informal hearing within the initial five days.

The Director of Special Programs shall ensure that a determination is made by a group of specialized, knowledgeable persons pursuant to the special education change of placement procedures of whether or not the student's current educational placement is correct, and, if it is correct, whether there is a direct causal relationship between the child's disability and the misconduct. If the educational placement is found to be incorrect, the appropriate placement will be determined. If the educational placement is correct, and provided that no direct causal relationship is found, the student shall be subject to regular disciplinary measures.

Adopted by School Board:	October 10, 1978
Amended by School Board:	July 8, 1997
Amended by School Board:	June 16, 1998
Amended by School Board:	July 17, 2001
Amended by School Board:	May 28, 2002
Amended by School Board:	June 7, 2005
Amended by School Board:	

Board Review:
Staff Review:
Responsible Department: Administrative Services